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July 7, 2006

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Honorable Joseph J. Farnan, Jr.  
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**RE: Hyland v. J.P. Morgan Securities, Inc.,  
Civil Case No. 1:06-cv-00224-JJF**

Dear Judge Farnan:

We write on behalf Dr. Stephen Blau, the Court-appointed Lead Plaintiff in *Blau v. Harrison, et al.*, 04 C 6592, currently pending before Judge William J. Hibbler in the Northern District of Illinois, who is a movant in the above-captioned action. We write in connection with plaintiff Samuel I. Hyland's motion to modify the PSLRA's stay of discovery filed with the Court on June 22, 2006. (D.I. 18, 19). We believe the motion is premature and should require no response at this time.

On April 18, 2006, Dr. Blau filed a motion to consolidate this action with a related action captioned *Hyland v. Harrison, et al.*, Civil Case No. 1:05-cv-00162-JJF (the "05-162 Action"), for the purpose of

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enforcing this Court's order staying the 05-162 Action<sup>1</sup> pending the outcome of Dr. Blau's earlier-filed action in the Illinois District Court. (D.I. 7). Dr. Blau's motion to consolidate is *sub judice*.

The Court's ruling on Dr. Blau's motion to consolidate may moot Mr. Hyland's motion. If this action is stayed, the Court will not need to consider Mr. Hyland's motion until after the stay is lifted if at all. Mr. Hyland's motion may also be mooted by another motion Mr. Hyland himself filed with the Judicial Panel on Multi-District Litigation (the "Panel"). In that motion, Mr. Hyland seeks to consolidate this action with the stayed 05-162 Action as well as with Dr. Blau's Illinois action (which is currently in discovery) for coordinated pre-trial proceedings in this District. (D.I. 4). The motion has been fully briefed and oral argument has been scheduled before the Panel on July 27, 2006. (05-162 Action, D.I. 113). A decision by the Panel could obviate consideration of Mr. Hyland's current motion. Indeed, on April 24, 2006, this Court granted defendant's motion to extend the time to answer or move with respect to Mr. Hyland's complaint until 30 days after the Panel rules on Mr. Hyland's motion for coordinated proceedings. (Minute entry so ordering D.I. 6).

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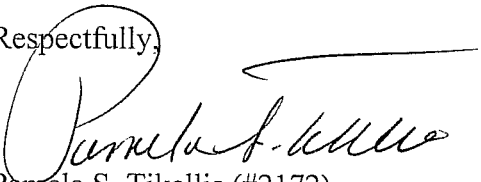
<sup>1</sup> The 05-162 Action is now administratively closed. (05-162 Action, D.I. 93).

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For these and other reasons, both defendant and Dr. Blau took the position that Mr. Hyland's June 12, 2006 motion for appointment as lead plaintiff and appointment of Joseph Gielata as lead counsel was premature, and reserved the right to respond to that motion at the appropriate time. (D.I. 15, 17). The question of whether the PSLRA stay should be lifted in this case is even more remote than the appointment of lead plaintiff and lead counsel, if that ever becomes necessary.

Thus, Dr. Blau respectfully reserves all rights with respect to Mr. Hyland's current motion. If the Court determines that a formal response is required at this time, Dr. Blau stands ready to respond on any schedule the Court deems appropriate.

Respectfully,



Pamela S. Tikellis (#2172)

cc: Clerk of Court (by e-filing)  
Joseph N. Gielata, Esquire (by e-filing)  
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